



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Lahcen Bennai et al

Attorney Docket Q62302

Appln. No.: 09/736,158

Group Art Unit:

Filed: December 15, 2000

Examiner:

For: A METHOD OF TRANSMITTING SIGNALING DATA

RENEWED PETITION UNDER 37 CFR 1.47(a)**RECEIVED**

Commissioner for Patents
Washington, D.C. 20231

JUL 18 2002

OFFICE OF PETITIONS

Sir:

This is in response to the Decision mailed December 13, 2001.

The Decision states that the original petition is denied for failure to include proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers. It is believed that the evidence submitted does satisfy this requirement.

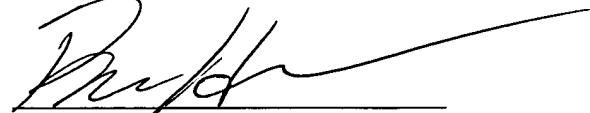
It is understood that the declaration establishing refusal to sign would ordinarily be made by the person to whom the refusal was made. But when the papers are mailed to the inventor rather than delivered by hand, there may be a person who can be considered to have instructed the mailing (a manager such as Mr. Lamoureux), a person who prepared the papers for mailing (Ms. Bruneel) and a person who actually handed the papers over to the postal service (unknown). When in addition the refusal is in writing, copies are attached, and the refusal is not addressed to a particular person, the declaration of the manager (Mr. Lamoureux) is by a person knowledgeable of the facts and circumstances, and is an appropriate and sufficient declaration.

The Decision mailed December 13, 2001 further states that it is unclear if the non-signing inventor cannot be located or if he has refused to sign. It is submitted that it is clear that he has refused to sign. All of the above facts are clearly stated in the petition and declaration. It is also stated that Mr. Laroque has left the employ of the assignee and cannot

be located, but that is in addition to his having refused to sign and it is subsequent to his having refused to sign.

For the above reasons, it is again requested that the petition be granted and that the application proceed under 37 C.F.R. 1.47(a).

Respectfully submitted,



Brian W. Hannon
Registration No. 32,778
for David J. Cushing
Registration No. 28,703

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3202
Telephone: (202) 293-7060
Facsimile: (202) 293-7860
Date: July 15, 2002